

CUBA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Cuba is an authoritarian state. The 2019 constitution codifies that Cuba remains a one-party system in which the Communist Party is the only legal political party. In national elections held in October 2019, Miguel Díaz-Canel was declared the winner of the role for president. He assumed the presidency, an office re-established following a constitutional referendum held in February 2019, after replacing Raul Castro as first secretary of the Cuban Communist Party, which was until then the highest political entity of the state by law. Elections were neither free nor fair nor competitive.

The Ministry of Interior controls police, internal security forces, and the prison system. The ministry's National Revolutionary Police is the primary law enforcement organization. Specialized units of the ministry's state security branch are responsible for monitoring, infiltrating, and suppressing independent political activity. The national leadership, including members of the military, maintained effective control over the security forces. There were reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings, by the government; torture and cruel, inhuman, and degrading treatment of political dissidents, detainees, and prisoners by security forces; harsh and life-threatening prison conditions; arbitrary arrests and detentions; political prisoners; transnational repression against individuals in another country; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on freedom of expression and media, including violence or threats of violence against journalists, censorship, unjustified arrests or prosecutions of journalists, and enforcement or threat to enforce criminal libel laws to limit expression; serious restrictions on internet freedom; substantial interference with the right of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental and civil society organizations; severe restrictions on religious freedom; restrictions on freedom of movement and

residence within the country and on the right to leave the country; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; lack of investigation of and accountability for gender-based violence, including femicide; trafficking in persons, including forced labor; and outlawing of independent trade unions.

Government officials, at the direction of their superiors, committed numerous human rights abuses. As a matter of policy, officials failed to investigate or prosecute those who committed these abuses. Impunity for the perpetrators remained widespread, as was impunity for official corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that the government or its agents committed arbitrary or unlawful killings.

On February 15, an off-duty police officer shot Roldy Polo Pérez with his service weapon during a dispute. The state-run website *Cubadebate* reported the police officer was later arrested.

On July 1, police killed Zinadine Zidan Batista, an Afro-Cuban teenager, in the Villa Clara neighborhood of Condado Sur. Batista died while handcuffed and lying in the street when police shot him three times. *Cubadebate* characterized Batista as a violent criminal who attacked a police officer with a knife and machete. *Diario de Cuba*, an independent media outlet, reported that Batista's father claimed the police officers used excessive force. Witnesses stated police had already handcuffed Batista and shot him twice in his legs when they fired the third, fatal shot.

On October 27, a Coast Guard boat collided with a vessel transporting irregular migrants in Bahía Honda, Artemisa Province. The collision resulted in the sinking of the vessel and the deaths of seven passengers. Some survivors said the Coast Guard boat intentionally rammed the vessel. In a televised report on November 29,

authorities stated that the vessel's driver lost control while attempting a sharp turn to evade authorities and that the Coast Guard had followed appropriate protocol.

b. Disappearance

In contrast with 2021, there were no confirmed reports of extended disappearances by or on behalf of government authorities. There were, however, numerous confirmed reports of short-term disappearances by government authorities. There were multiple reports of detained activists whose whereabouts were unknown for hours or days because the government did not register these detentions, many of which occurred at unregistered sites. Justicia 11J, a local nongovernmental organization (NGO) that tracked cases related to the oppression of protesters following country-wide protests on July 11, 2021, reported that disappearances included prison transfers that were not reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

There were recurring reports that members of the security forces and their agents harassed, intimidated, and physically assaulted human rights and prodemocracy advocates, political dissidents, and peaceful demonstrators, and that they did so with impunity, according to reports from the NGOs Justicia 11J, Prisoner Defenders, and Human Rights Watch. Some detainees and prisoners endured physical and threats of sexual abuse by prison officials or other inmates at the instigation of guards. Although the law prohibits coercion during investigative interrogations, police and other security forces at times used aggressive and physically abusive tactics, threats, and harassment during questioning. Detainees reported officers intimidated them with threats of long-term detention, loss of child custody rights, denial of permission to depart the country, and other punishments.

On March 28, the Spain-based NGO Cuban Prisoners Defenders presented a report to the UN Committee Against Torture documenting 101 cases of torture of prisoners in the country. The report identified 15 patterns of mistreatment and torture: deprivation of medical care among political prisoners; forced labor and forced labor not related to the prisoners' status as a defendant or criminal conviction; highly uncomfortable, damaging, degrading, and prolonged forced

postures; solitary confinement; use of temperature as a torture mechanism; physical aggressions; driving inmates to unknown locations; intentional disorientation; deprivation of liquids and food; sleep deprivation; deprivation of communication with family, defense counsel, and relatives; threats to prisoners' integrity and safety, and threats to their loved ones; threatening exhibitions of weapons or elements of torture; intentional subjection to anguish, grief, or uncertainty about the situation of a family member; and humiliation, degradation, and verbal abuse.

On May 13, the UN committee addressed the human rights abuses suffered by imprisoned July 11 protesters, which included excessive use of force and mistreatment, arbitrary arrests, imprisonment, and reprisals against human rights defenders.

On March 28, Luis Robles was convicted of “[distribution of] enemy propaganda and disobedience” and sentenced to five years’ imprisonment. Following his 2020 arrest for carrying out a solitary, peaceful protest for the release of rapper Denis Solis, Robles was subjected to constant cruel, degrading, and inhuman treatment. Robles reported physical, verbal, and psychological abuse by police and the criminal investigation bodies. He suffered incommunicado detention as a reprisal for contacting members of the opposition. He was repeatedly locked in solitary confinement for denouncing human rights violations against other inmates and, on at least one occasion, was deprived of food for three days. He was subjected to humiliation, including being forced to remain naked in front of other inmates. He was punished with *shakiras* (handcuffs to the hands and feet) and left chained for hours, forcing him to remain standing. He was also deprived of medical assistance.

On June 24, Maykel Castillo Pérez was convicted of contempt of authority, assault, public disorder, and defamation of institutions and organizations, heroes, and martyrs, and was sentenced to nine years in prison. He was coauthor of the Grammy-winning song “Patria y Vida” and part of the San Isidro Movement, a collective of artists who advocate for political freedom. Following his May 2021 arrest, Castillo was regularly locked in solitary confinement for consecutive days and periodically held incommunicado. His health deteriorated, and despite repeated requests, he was denied medical attention. Cubalex, a local NGO,

reported that guards handcuffed Castillo's hands and feet to his prison bars and forced him to stand for three days, causing severe pain to his torso and shoulders.

Jose Daniel Ferrer García remained in detention following his arrest in July 2021. Ferrer, leader of the Union Patriótica de Cuba opposition party, was in solitary confinement since his arrest. Ferrer's cell had no windows or ventilation and was illuminated 24 hours a day during most of the year. Authorities reportedly fed Ferrer rancid food and deprived him of clothing. Cuban Prisoners Defenders indicated Ferrer's treatment endangered his life.

Impunity was pervasive. There were no known cases of prosecution of government officials for any human rights abuses, including torture and other cruel, inhuman, or degrading treatment or punishment.

Prison and Detention Center Conditions

Prison conditions were often harsh and sometimes life threatening. There were reports of overcrowding; deficient facilities, sanitation, and medical care; assault by prison officials; and extended solitary confinement.

The government did not publish official statistics on prisons or allow international monitors to inspect them. The government provided no information regarding the number, location, or capacity of detention centers, including prisons, work camps, and other kinds of detention facilities. Cuban Prisoners Defenders estimated the government had more than 200 such facilities and more than 90,000 prisoners in 2020. The Spain-based NGO Cuban Observatory of Human Rights listed 293 penitentiary centers.

Abusive Physical Conditions: Prison cells were overcrowded. Many prison and detention cells reportedly lacked adequate water, sanitation, light, ventilation, and temperature control. Although the government provided some food and medical care, many prisoners were compelled to rely on their families for food and other basic supplies. Potable water was often unavailable. Women reported lack of access to feminine hygiene products and adequate prenatal care.

Prisoners, family members, and NGOs reported inadequate health care in prisons, which led to or aggravated multiple maladies. Prisoners reported outbreaks of

dengue fever, tuberculosis, hepatitis, and cholera. COVID-19 outbreaks occurred at several detention facilities. There were reports of prisoner deaths following official indifference to chronic medical conditions, as well as reports of suicide.

Political prisoners were held jointly with the general prison population. Political prisoners who refused to wear standard prison uniforms were denied certain privileges, such as family visits, access to prison libraries, reductions in the length of their sentence, or transfer from a maximum-security to a medium-security prison.

There were reports that prison officials assaulted inmates. Political prisoners also reported that fellow inmates, acting on orders from or with the permission of prison authorities, beat, threatened, intimidated, and harassed them.

Prisoners reported solitary confinement was a common punishment for failure to comply with prison regulations, and some prisoners were isolated for months at a time. Some prisoners were held incommunicado, without being permitted to contact friends or family until they were released.

Authorities subjected prisoners who criticized the government or engaged in hunger strikes and other forms of protest to extended solitary confinement, repeated interrogations, assaults, restrictions on family visits, and denial of medical care.

July 11 political prisoner Fernando Laugart Reyes reported that inmates in Mar Verde Prison (Santiago) suffered from beatings, inadequate food, a lack of running water, a scabies outbreak, denials of medical treatment, and inadequate space that forced many prisoners to sleep on the floor.

Administration: Authorities frequently did not investigate credible allegations of mistreatment. Prisoners reported government officials refused to accept or respond to complaints.

Prison officials arbitrarily denied friends, family, and diplomatic personnel access to prisoners. Some prisoners and pretrial detainees had access to visitors, although it was not unusual for political prisoners' relatives to report that prison officials arbitrarily canceled scheduled visits or denied visits altogether. This was

particularly true for persons incarcerated following the July 2021 protests.

Independent Monitoring: The government did not permit independent international or domestic human rights groups to monitor prison conditions, and it denied access to detainees by international humanitarian organizations. Although the government pledged in previous years to allow a visit by the UN special rapporteur on torture and other cruel, inhuman, and degrading treatment or punishment, no visit occurred during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Although the 2019 constitution adds explicit protections of freedom and human rights, including habeas corpus, there were no indications that authorities observed or enforced them. In July, the Constitutional Court began hearing cases for the first time since 1973; however, the court had a limited mandate, and there were no reports that any citizens successfully had their constitutional rights enforced through the court.

Arrest Procedures and Treatment of Detainees

Police have 24 hours after an arrest to present a criminal complaint to an investigative police official. Investigative police have 72 hours to investigate and prepare a report for the prosecutor, who in turn has 72 hours to recommend to the appropriate court whether to open a criminal investigation.

Within the initial 168-hour detention period, by law detainees must be informed of the basis for the arrest and criminal investigation and have access to legal representation. Those charged may be released on bail, placed in home detention, or held in continued investigative detention. Once the accused has an attorney, the defense has five days to respond to the prosecution's charges, after which a court date usually is set. Prosecutors may demand summary trials "in extraordinary circumstances" and in cases involving crimes against state security. The Ministry of Justice regularly invoked "extraordinary circumstances" to conduct summary trials. The NGOs Justicia 11J and Cubalex reported the government held summary trials against those who peacefully protested after Hurricane Ian landed in

September.

Reports suggested bail was available, although bail was typically not granted to persons arrested for political activities. Time in detention before trial may be counted toward time served if convicted.

Detainees may be interrogated at any time during detention and have no right to request the presence of counsel during interrogation. Detainees have the right to remain silent, but officials do not have a legal obligation to inform them of that right.

By law investigators must complete criminal investigations within 60 days. Prosecutors may grant investigators two 60-day extensions upon request, for a total of 180 days of investigative time. The supervising court may waive this deadline in “extraordinary circumstances” and upon special request by the prosecutor. In the case of the “extraordinary circumstances” waiver, no additional legal requirement exists to complete an investigation and file criminal charges, and therefore authorities may detain a person without charge indefinitely.

Arbitrary Arrest: The government continued its pattern of arbitrary arrests of activists, dissidents, and their relatives. Police routinely stopped and questioned citizens, requested identification, and carried out search-and-seizure operations directed at known activists. Police used legal provisions against public disorder, contempt of authority, lack of respect, aggression, and failure to pay minimal or arbitrary fines as ways to detain, threaten, and arrest civil society activists. Police routinely conducted short-term detentions to interfere with individuals’ rights to freedom of assembly and freedom of expression, and at times assaulted detainees. Such detentions generally lasted from several hours to several days. After being taken into custody, suspects were typically fined and released.

The law requires that police furnish suspects a signed “report of detention” noting the basis, date, and location of any detention in a police facility and a registry of personal items seized during a police search. Authorities routinely ignored this requirement. The government frequently detained activists without informing them of the charges against them and often denied them the ability to communicate with their relatives. After being taken into custody, suspects were typically fined

and released. Authorities frequently failed to specify the law that was allegedly broken or the name of the official who issued the fine, making fines difficult to contest in court. At times, authorities prevented persons owing fines from leaving the country.

Several persons who protested following a series of blackouts during the summer, as well as those who protested in the wake of Hurricane Ian, were detained longer than the legally mandated period without being informed of the nature of the arrest or being permitted to contact family members or legal counsel. Family members of protesters released pending trial or appeal as well as convicted protesters reported they were not provided with copies of the charges filed or the evidence against them. Authorities arrested more than 60 persons after protests during the summer, of whom 47 remained in detention as of September. Authorities arrested more than 30 persons after the protests that followed Hurricane Ian in October. Justicia 11J estimated 758 of the more than 1,400 persons arrested in the July 2021 protests remained in detention as of year's end. On November 16, authorities detained six family members of imprisoned July 11 protesters for trying to meet with diplomats to discuss their cases.

Pretrial Detention: Lengthy pretrial detention was a problem. The government held some detainees for months or years in investigative detention, in both political and nonpolitical cases. According to the NGO Washington Office on Latin America, 28 of the minors arrested after July 11, 2021, were still in pretrial detention as of July 2022.

On April 28, activist and musician Carlos Ernesto Díaz González was arrested after a peaceful protest requesting the release of political prisoners and the change of the political system. He was put into pretrial detention for alleged previous crimes. The judge set bail at 10,000 pesos (\$83), but he remained in prison after the prosecution petitioned the court to reinstate the pretrial detention order, a decision called illegal by *El Toque*, an independent media outlet.

e. Denial of Fair Public Trial

While the constitution recognizes the independence of the judiciary, the judiciary is directly subordinate to the National Assembly and the Cuban Communist Party

(PCC), which may remove or appoint judges at any time. Political considerations affected judicial decisions, and there was ineffective separation of powers between the judicial system, the PCC, and the Council of State.

Civilian courts exist at the municipal, provincial, and national levels. Special tribunals convene behind closed doors for political (“counterrevolutionary”) cases and other cases deemed “sensitive to state security.” Military tribunals may have jurisdiction over civilians if any of the defendants are active or former members of the military, police, or other law enforcement agencies, or if they are civilian employees of a military business, which comprise the majority of the country’s economic activity.

Trial Procedures

The law provides for the right to a public trial, but politically motivated “summary” trials were at times held in secret, with authorities citing exceptions for crimes involving “state security” or “extraordinary circumstances.” Many trials concluded quickly and were closed to the press. The government arbitrarily denied admission to observe trials. Such trials may be conducted by judges without prosecutors or defense counsel, provided the potential sentence is for less than one year. If a potential sentence exceeds one year, defendants are assigned a lawyer.

Due process rights apply equally to citizens and foreigners, but courts regularly failed to protect or observe these rights. The law presumes defendants to be innocent until proven guilty, but authorities often ignored this, placing the burden on defendants to prove innocence. Summary trial procedures do not allow defendants to contest the facts of the case as presented by the state, only why they committed the alleged offense.

The law requires that defendants be represented by an attorney, at public expense, if necessary. Private attorneys are not licensed to practice in criminal courts. Defendants may receive legal counsel only from defense attorneys from a group organized under the Ministry of Justice. Consequently, defendants had to rely on lawyers who worked for the government that was prosecuting them. These attorneys reportedly were often reluctant to defend individuals charged with political crimes or associated with human rights cases and, in many instances, met

their clients for the first time when the trial was about to begin.

Criteria for admitting evidence were arbitrary and discriminatory. According to reports, prosecutors routinely introduced irrelevant or unreliable evidence to prove intent or offered testimony regarding the defendant's "revolutionary credentials," which refers to a defendant's perceived loyalty to the PCC or lack thereof. Generally, the government discounted testimony of defense witnesses if they provided information unhelpful to the government's case.

Defense attorneys have the right to review the investigation files of a defendant unless the charges involve "crimes against the security of the state." In "state security" cases, defense attorneys were not allowed access to investigation files until charges were filed. Many detainees, especially political detainees, reported their attorneys had difficulty accessing case files due to administrative obstacles. Interpretation was sometimes provided during trials for non-Spanish speakers, but the government claimed limited resources prevented interpreters from being available in all cases.

The law recognizes the right of appeal but often limits that right to cases involving lengthy prison terms or the death penalty.

As of September, Cuban Prisoners Defenders confirmed that at least 904 July 11 protesters had been prosecuted. Prosecutors charged several protesters, including children, with serious crimes such as assault and sedition in an effort to secure the maximum possible sentence. An estimated 180 protesters were charged with sedition, and at least 171 were sentenced to an average of 10 years and two months of imprisonment each. The Garrido sisters, Angélica and Maria, arrested after peacefully protesting on July 11, 2021, were sentenced to three and seven years' imprisonment, respectively, for public disorder, disobedience, and attacks.

Political Prisoners and Detainees

The government held political prisoners and detainees. The government refused access to its prisons and detention centers by international humanitarian organizations and the United Nations.

Cuban Prisoners Defenders estimated there were at least 1,026 political prisoners

in detention as of September. The lack of governmental transparency, along with systemic abuse of due process rights, obscured the true nature of criminal charges, investigations, and prosecutions. This allowed government authorities to prosecute and sentence peaceful human rights activists for alleged criminal violations. The government used the designation “counterrevolutionary” for inmates who oppose the government, but it did not publicize the number of these inmates. The government closely monitored organizations tracking political prisoner populations, and the organizations often faced harassment from state authorities.

Political prisoners reported the government held them in isolation for extended periods. They did not receive the same protections as other prisoners or detainees. The government frequently denied political prisoners access to home visits, prison classes, telephone calls, and, on occasion, family visits. Political prisoners sometimes did not receive appropriate health care, including while suffering COVID-19 symptoms.

See also section 1.c. regarding political prisoners Luis Robles, Maykel Castillo Pérez, and José Daniel Ferrer García.

Transnational Repression

The government engaged in acts to intimidate or exact reprisal against individuals outside its borders.

Efforts to Control Mobility: There were credible reports the government attempted to control mobility to exact reprisal against citizens abroad by revoking their identity documents, denying them consular services, or otherwise engaging in actions aimed at jeopardizing their legal status, restricting their movement, or provoking their detention in the country where they were located. The government arbitrarily designated some persons *regulados* (regulated persons), meaning the government prohibited them from receiving a passport, leaving the country, or returning. Activists Anamely Ramos and Omara Ruiz Urquiola, both former members of the Movimiento San Isidro, and journalist Carlos Manuel Álvarez were denied re-entry to Cuba several times during the year. No explanation other than that they could not board the flight because Cuban authorities would not allow them to enter Cuba was provided. Cuban embassy officials reportedly refused to

meet with Ramos to discuss what steps she could take to return to Cuba.

Civil Judicial Procedures and Remedies

It is possible to seek judicial remedies through civil courts for violations of administrative decisions, but independent legal experts noted general procedural and bureaucratic inefficiencies often delayed or undermined the enforcement of administrative decisions and civil court orders. Civil courts, as all other courts in the country, lacked independence, impartiality, and effective procedural guarantees. No courts allowed claimants to bring lawsuits seeking remedies for human rights abuses.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution provides for the protection of citizens' privacy rights in their homes and correspondence, and the law requires police to have a warrant signed by a prosecutor or magistrate before entering or conducting a search. On August 25, the government published a new law to protect personal data. Officials, however, routinely and systematically monitored correspondence and communications between citizens, tracked their movements, and entered homes without legal authority.

Security forces conducted arbitrary stops and searches, especially in urban areas and at government-controlled checkpoints at the entrances to provinces and municipalities. Authorities used dubious pretenses to enter residences where they knew activists were meeting, such as "random" inspections of utilities, for epidemiological reasons, or spurious reports of disturbance. Authorities also used seemingly legitimate reasons, often health related, such as fumigating homes as part of an antimosquito campaign, as a pretext for illegal home searches.

The Ministry of Interior employed a system of informants and neighborhood groups, known as the Committees for the Defense of the Revolution, to monitor government opponents and report on their activities. Agents from the ministry's General Directorate for State Security frequently subjected foreign journalists, visiting foreign officials, diplomats, academics, and businesspersons to

surveillance, including electronic surveillance.

The government selectively blocked the communications of government critics to prevent them from communicating with one another, sharing content, or reporting on government harassment. Human rights activists reported frequent government monitoring and disruption of cell phone and landline services prior to planned events or key anniversaries related to human rights.

Family members of government employees who left international work missions or similar activities (such as medical missions, athletic competitions, and research presentations) without official permission at times faced government harassment or loss of employment, access to education, and other public benefits.

A study by the Cuban Observatory of Human Rights noted that relatives of political prisoners were often fired from their jobs or had their private business licenses canceled.

Public reports revealed that the government monitored citizens' internet use. Arbitrary government surveillance of internet activity was pervasive and frequently resulted in criminal cases and reprisals. Internet users had to identify themselves and agree they would not use the internet for anything "that could be considered...damaging or harmful to public security." User software developed by state universities gave the government access to users' personal data and communications (see also section 2.a., Internet Freedom).

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, on the condition that the expression "conforms to the aims of socialist society." The government restricted freedom of expression in various ways.

Freedom of Expression: The government repeatedly limited public debate of topics considered politically sensitive. Several laws criminalize aspects of freedom

of expression, such as Decree 349, which empowers the Ministry of Culture to regulate all artistic and cultural activity. Rather than enforce these laws, police typically used other pretexts to harass and arrest persons exercising freedom of expression. For example, on June 24, a court sentenced artist and activist Luis Manuel Otero Alcántara, who had protested restrictive laws such as Decree 349, to five years in prison on charges of “outrage against national symbols,” disrespect, and public disorder. The charges primarily dated to a 2019 art series in which Otero Alcántara took photographs of himself wearing only the Cuban flag. The official sentence stated that Otero Alcántara had offended the flag in “denigrating acts accompanied by notoriously offensive and disrespectful expressions.”

Government workers reported being fired, demoted, or censured for expressing dissenting opinions or for affiliating with independent organizations.

Religious groups reported increased restrictions on expressing their opinions during sermons, at religious gatherings, and in public protests. Most members of the clergy exercised self-censorship. Religious leaders in some cases criticized the government, its policies, and the country’s leadership without reprisals. Other religious groups, particularly those not officially state-sanctioned, reported harassment against themselves and family members in retaliation for speech critical of the government. The Office of Religious Affairs, which regulates all affairs of religious groups, directed government policies against both registered and unregistered religious groups.

On September 13, David Pantaleón, a Roman Catholic priest from the Dominican Republic and head of the order of the Jesuits in the country, had to leave Cuba after the government denied the extension of his residence permit. Pantaleón had openly criticized the government and supported human rights defenders and activist organizations such as Movimiento San Isidro, composed of artists, journalists and academics, and the imprisoned July 11 protesters.

The government harassed, detained, interrogated, and prosecuted persons for making videos of protests. PEN International denounced the October 1 arrest of activist and artist Rosmery Almeda for recording one of the protests after Hurricane Ian. Almeda was accused of contempt of authority and public disorder. She was reportedly released on October 20, but the case was not resolved by year’s

end.

Violence and Harassment: Repression and forced exile were used to harass independent journalists. Approximately 20 reporters, photographers, and illustrators of *El Toque* resigned after six of them were prevented from traveling to an international journalism event, followed by harassment by state security and blackmail tactics and threats of not being allowed to leave the country. Other threats included prosecution, confiscation of property, or harm to family members. Wimar Verdecia, Mary Esther Lemus, Iran Hernandez Castillo, producers of the Xel2 graphic supplement, were victims of these “offers.” Others included Meilin Puertas, José Leandro Garbey, Mauro Díaz, Aleiny Sánchez, Claudia Bravet, Laura Seco, Cynthia de la Cantera, Yadiris Luis Fuentes, Nelson Álvarez Mairata, and Jancel Moreno. Yoe Suárez, Nelson Alvarez Mairata, and Luz Escobar were already in exile after several years of being forbidden to leave the country.

Despite meeting government vetting requirements, journalists belonging to state media institutions who reported on sensitive subjects did so at personal risk, and the government barred them from working for unofficial media outlets in addition to their official duties. The government harassed and threatened independent citizen journalists who reported on human rights abuses. Independent outlets *El Toque*, *Diario de Cuba*, *Cubonet*, and *14Ymedio* reported the trend increased during the year, with independent journalists reportedly given three options: stop reporting, leave the country, or go to prison. As of August, the NGO Instituto Cubano por la Libertad de Expresión y Prensa (Cuban Institute for Liberty of Speech and the Press) registered 409 incidents regarding denials or restrictions of freedom of expression, including arbitrary detentions, threats, and internet disconnections.

Journalists Vladimir Turró and Yoel Acosta were arrested three times; Enrique Díaz and Henry Constantin, twice; Camila Acosta, Yania Suárez, Neife Rigau, Dunierky Martínez, Lisbeth Moya, Antonio Abad Sánchez, Pedro Yoel Rivas, Osniel Carmona and Orisvey Díaz, at least once. Pedro Luis Hernández was detained in the capital and sent back to his province. Rosmery Almeda, known as Alma Poet, and Danilo Martínez – young artists who filmed the protests after Hurricane Ian in Havana during the blackouts – were detained for more than two weeks. Reasons for the arrests were often vague or not announced.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The government or the PCC directly owned all print and broadcast media outlets and almost all widely available sources of information. News and information programming were generally uniform across all government-controlled outlets. The government controlled all printing presses and nearly all publications. The government limited the importation of printed materials.

Foreign correspondents had limited access to and often were denied interviews with government officials. Foreign correspondents struggled to gather facts and reliable data for stories. The government harassed and denied access to correspondents who reported stories deemed critical of the government. As a result of self-censorship and lack of access, many foreign journalists rarely published stories on human rights abuses while inside the country.

The Inter American Press Association reported that several members of the Associated Press, Reuters, and Spanish news agency EFE journalistic teams accredited in the country denounced limits on their work. In November 2021, the government withdrew press credentials of all but two EFE journalists covering a November 15 march. The government reinstated the press credentials in February only after formal protests from the Spanish government.

Armando Franco, editor of the state-owned magazine *Alma Mater*, was fired for publishing information on detainees arrested in the protests of July 2021. In addition, state media sports reporters Boris Luis Cabrera, Joel García, Norland Rosendo González, and Jhonah Díaz González were denied access to the press conference of a government entity after criticizing one of its directors.

In April, officials fined Ismarío Rodríguez, the audiovisual director of independent journal *Periodismo de Barrio*, 4,000 pesos (\$33) for “illicit economic activity,” a charge often used to punish those who practiced journalism without the regime’s permission. In August, Rodríguez said security officials threatened him with prison if he did not cease his journalism and renounce his “counterrevolutionary” activity.

Libel/Slander Laws: The government used a defamation of character law to

arrest or detain individuals critical of the country's leadership. Authorities frequently arrested and charged persons with the vague crime of "contempt of authority."

On April 7, Yoandi Montiel was sentenced to two years' imprisonment for contempt of authority due to his criticizing authorities and the president on Facebook.

In October, activist Omar Ortega Mendoza was sentenced to three and one-half years' imprisonment for contempt of authority after criticizing the president on Facebook. In 2021, he served a 10-month sentence for contempt after sharing photographs on social media of persons who died of COVID-19 in the municipality of Morón.

National Security: The law prohibits distribution of printed materials considered "counterrevolutionary" or critical of the government on the grounds of national security. The revised penal code sanctions propaganda against the constitutional order with three to eight years' imprisonment. For example, foreign newspapers and magazines were generally unavailable outside of tourist areas. Distribution of material with political content – interpreted broadly to include the Universal Declaration of Human Rights, foreign newspapers, and independent information on public health – was not allowed, and possession of these materials sometimes resulted in harassment and detention.

The government sometimes barred independent libraries from receiving materials from abroad and seized materials donated by foreign governments, religious organizations, and individuals.

Internet Freedom

The government restricted access to the internet and used a combination of restrictive laws, targeted website censorship, bandwidth throttling, pressure on website operators, and unrestricted surveillance to censor information critical of the regime and to silence its critics and events such as the protests that took place in the summer. Authorities restricted internet access for individuals or particular regions of the country in response to protests. Several observers accused the government of cutting off access to the internet following a series of protests in the

wake of Hurricane Ian.

The revised penal code allows the government to sanction social media posts critical of the government or government officials, and it lists criminal incitement through social media as an “aggravating circumstance” to allow for harsher sentences. According to the NGO Proyecto Inventario, the government used legislation to prohibit the online publication of information contrary to the “social interest, morals, [and] good manners,” and to target, temporarily detain, fine, and sometimes confiscate cell phones of citizens, journalists, and activists.

All internet access was provided through state monopoly companies, and the government had unrestricted and unregulated legal authority to monitor citizens’ and foreigners’ use of email, social media, internet chat rooms, and browsing. The government controlled all internet access, except for limited facilities provided by foreign diplomatic facilities and a small number of underground networks. Access to blocked outlets was generally possible only through a virtual private network.

The government closely monitored web access points, such as Wi-Fi hotspots, cybercafes, and access centers, as well as the backbone internet infrastructure, which was directly controlled by the government.

Some individuals could connect to the internet at low or no cost via state institutions where they worked or studied. The government selectively granted censored in-home internet access to certain areas of Havana and sectors of the population, consisting mostly of government officials, established professionals, professors, students, journalists, and artists. Others could access email and internet services through government-sponsored “youth clubs,” internet cafes, or Wi-Fi hotspots approved and regulated by the Ministry for Information, Technology, and Communications. Users were required to purchase prepaid cards to access the internet.

Authorities reviewed the browsing history of users, reviewed and censored email, and blocked access to websites the government considered objectionable. The number of blocked websites fluctuated. According to *The Freedom on the Net 2022* report by Freedom House, the government routinely blocked numerous websites, including independent media outlets such as *El Estornudo*, *14ymedio*,

Diario de Cuba, CiberCuba, CubaNet, Cuba Encuentro, Periódico Cubano, Gato Pardo, Tremenda Nota, Proyecto Inventario, Rialta, and Martí Noticias, as well as Asociación Pro Libertad de Prensa and other websites critical of the government's human rights record. The government blocked access to Freedom House's *Freedom on the Net* report. The government blocked internet tools and websites considered contrary to its interests.

The state telecommunications monopoly Empresa de Telecomunicaciones de Cuba, S.A. (ETECSA) blocked dozens of websites of independent media and NGOs related to human rights. ETECSA helped monitor and censor the internet and usually cut or restricted internet connections in the entire country or by regions during protests. ETECSA frequently disconnected the telecommunication service of human rights organizers, often just before their detention by state security or to disrupt planned activities.

Human rights activists reported government employees tracked and “trolled” the social media accounts of activists. Activists also reported on the government's practice of sending mass text messages warning neighbors to avoid association with dissidents.

While the law does not set specific penalties for unauthorized internet use, it is illegal to own a satellite dish that provides uncensored internet access. The government restricted the importation of wireless routers, actively targeted private wireless access points, and confiscated equipment.

The use of encryption software and the transfer of encrypted files are illegal, but information on enforcement of this restriction was not available. Despite limited access, harassment, and infrastructure problems, private news sites and blogs existed in which users posted opinions critical of the government with help from persons living outside the country, often expatriate Cubans. The government blocked local access to many of these blogs. In addition, citizens used Twitter, Facebook, Instagram, Telegram, YouTube, TikTok, and other social networks to report independently, including observations critical of the government.

Restrictions on Academic Freedom and Cultural Events

The government restricted academic freedom and controlled the curricula at all

schools and universities, emphasizing the importance of reinforcing PCC rule through “revolutionary ideology” and “discipline.” Most academics refrained from meeting with foreigners, including diplomats, journalists, and visiting scholars, without prior government approval. Government monitors were sometimes present at these meetings. Persons permitted to travel abroad were aware that their actions, if deemed politically unfavorable, could negatively affect them and their relatives in Cuba. Several university professors, researchers, and students reported they were forced out of their positions, demoted, or expelled for expressing ideas or opinions outside of government-accepted norms. Outspoken artists and academics faced harassment and criticism orchestrated by the government.

In February authorities removed Leonardo Fernández Otaño from his doctoral studies in historical sciences. The human rights organization Observatorio de Libertad Académica reported state security officials arrested, interrogated, harassed, and threatened Fernández after his peaceful protest in front of the Instituto Cubano de Radio y Televisión in July 2021. Observatorio de Libertad Académica denounced the expulsion of July 11 protester Abel González Lescay from the Instituto Superior de Arte (Havana’s main art school) after he participated in the July 11 protests. González was subsequently sentenced to six years’ imprisonment. Some of those who joined a group calling for his release reportedly were threatened that they would lose their jobs or be expelled from school.

University admissions criteria gave great weight to prospective students’ ideological beliefs, and public libraries required citizens to complete a registration process before authorities granted access to books or information. Citizens could be denied access if they could not demonstrate a need to visit a particular library. Libraries required a letter of permission from an employer or academic institution to access censored, sensitive, or rare books and materials. Some religious institutions organized small libraries. Independent libraries were illegal but continued to exist, and owners faced harassment and intimidation.

The party censored public performances and presentations of movies or similar events.

b. Freedoms of Peaceful Assembly and Association

The law allows for freedom of assembly and association. The government, however, restricted these freedoms.

Freedom of Peaceful Assembly

Although the constitution provides for a limited right of assembly, the right is subject to the requirement that it may not be “exercised against the existence and objectives of the socialist state.” The law requires citizens to request authorization for organized meetings of three or more persons, and failure to do so carries a penalty of up to six months in prison and a fine. The government tolerated some gatherings, and many religious groups reported the ability to gather without registering or facing sanctions.

Independent activists and political parties other than the PCC faced greater obstacles than religious groups. State security forces often suppressed attempts to assemble, even for gatherings in private dwellings and in small numbers. The government refused to allow independent demonstrations or public meetings by human rights groups or any others critical of government activity.

The government routinely arrested individuals who attempted to assemble, by either placing them under house arrest or taking them into custody if they left their residences.

On numerous occasions, the government, using undercover police and Ministry of Interior agents, allegedly organized “acts of repudiation” by crowds of civilians organized to assault and disperse persons who assembled peacefully. These agents arrived in government-owned buses or were recruited by government officials from nearby workplaces or schools. Participants arrived and departed in shifts, chanted progovernment slogans, sang progovernment songs, and verbally taunted those who had peacefully assembled. The persons targeted by this harassment at times suffered physical assault or property damage. Government security officials at the scene, often present in overwhelming numbers, did not arrest those who physically attacked the victims, nor did they respond to victims’ complaints. Instead, government security officials frequently orchestrated activities against protesters or took direct part in physical assaults.

Freedom of Association

The government routinely denied freedom of association to citizens and did not recognize independent associations. The law proscribes any political organization not officially recognized. Several independent organizations, including opposition political parties and professional associations, operated as NGOs without legal recognition, and police sometimes raided their meetings.

For example, members of the Damas de Blanco (Ladies in White), an association of women political activists originally formed to protest the 2003 detention of their male relatives during the infamous “Black Spring,” were subjected to arbitrary arrest, constant surveillance of the house that served as the organization’s headquarters, and harassment by state officials and local PCC members. The European Union, Human Rights Watch, and Amnesty International criticized the arrests of Berta Soler, leader of the Ladies in White, and her husband Angel Moya during the year. They had been arrested numerous times and fined on their way to a church to ask for the release of political prisoners. Other members of the organization were also arrested and fined.

Officially recognized churches, Freemasons, and several fraternal and professional organizations were permitted to function outside the formal structure of the state or the ruling party. The PCC’s Office of Religious Affairs oversees religious groups, requires that groups have permits for religious activities, and has the authority to deny permission. The office pressured church leaders to refrain from including political topics in their sermons and often limited freedom of movement for independent pastors.

Groups are required to register through the Ministry of Justice to receive official recognition. Authorities ignored applications for legal recognition from new groups, including several new religious groups, women’s rights organizations, and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) rights organizations. The lack of official recognition left group members open to potential charges of illegal association.

The legal code does not allow an association to exist if there is already an existing association with the same scope that is connected to the PCC or other large

organizations, such as the Cuban Women Federation or the Cuban Trade Union.

Alas Tensas, an NGO, recorded the repression, surveillance, and harassment of several mothers who publicly called for the release of July 11 protesters imprisoned from Havana's La Guinera neighborhood. *Diario de Cuba* reported the same treatment for the mothers of July 11 protesters imprisoned in Camaguey.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The government placed arbitrary restrictions on freedom of movement within the country, the right to leave the country, and migration with the right to return.

Under the terms of the 1994-95 U.S.-Cuba migration accords, the government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters or from the Guantanamo U.S. Naval Station after attempting to emigrate illegally, assuming they had not committed a separate criminal offense.

In-country Movement: Although the constitution allows all citizens to travel anywhere within the country, establishing residence in Havana was restricted. The government controlled internal migration from rural areas to Havana, sometimes arresting and expelling persons from Havana if authorities discovered their national identity card listed them as living in another city. These policies disproportionately affected Afro-Cubans from the eastern region of the country who resided in large numbers in marginalized communities in Havana without residential permits. The local housing commission and provincial government authorities must authorize any change of residence. The government may fine persons living in a location without authorization and force them to return to their legally authorized residence. There were reports that authorities provided only limited social services to illegal Havana residents and at times restricted food purchases to vendors in a person's official neighborhood of residence. Police threatened to prosecute anyone who returned to Havana after expulsion.

The law permits authorities to bar an individual from a certain area within the country, or to restrict an individual to a certain area, for a maximum of 10 years. Under this provision, authorities may internally exile any person whose presence in a given location is determined to be “socially dangerous.” Dissidents frequently reported that authorities prevented them from leaving their home provinces or detained and returned the dissidents to their homes, even though the dissidents had no written or formal restrictions placed against them.

Foreign Travel: The law restricts the right of citizens to leave the country. The law provides for imprisonment, a moderate fine, or both for those who attempt to depart the country illegally. According to reports, in the case of military or police personnel, or those traveling with children, the punishment could be more severe. When former government employees emigrated from the country, their family members sometimes were arbitrarily denied passports to travel and visit or join their family members abroad.

The government required persons from several professional and social categories to obtain permission to emigrate. The affected persons included highly specialized medical personnel; military or security personnel; many government officials, including academics; and many former political prisoners and human rights activists.

The government prohibited human rights activists, religious leaders, independent journalists, and artists from traveling outside the country to attend events related to human rights and democracy. The government used arbitrary or spurious reasons to deny permission for human rights activists and religious leaders to leave the country to participate in workshops, events, or training programs. Activists reported a significant increase in interrogations and confiscations at the airport when arriving from abroad.

The government arbitrarily designated some persons as regulados, allowing authorities to prohibit them from receiving a passport, leaving the country, or returning (see section 1.e., Transnational Repression). The Patmos Institute, a civil society organization that promotes interreligious dialogue, human rights education, and monitors religious liberty, reported more than 250 regulados as of 2020, mainly activists and independent journalists. In 2018, independent journalist

Ileana Hernández, a Cuban and Spanish citizen, sought to overturn her regulado status, which the Supreme Court declined to do in November 2021. In March the government removed the status.

The tactic was also employed against individuals whom the government sought to prevent from speaking at conferences. In June, the government prevented six independent civil society leaders, including pastor Alain Toledano, who had received invitations to attend the Ninth Summit of the Americas Civil Society Forum from traveling. On June 17, the government prohibited Liset Fonseca and Marta Perdomo, the mothers of three imprisoned July 11 protesters, from boarding a flight to Spain to meet representatives of the European Parliament and UN human rights institutions.

Exile: The government sought to pressure activists into exile to avoid extreme prison sentences or threats to their family. Human Rights Watch said that for Cubans who opposed the political system, there were two options: prison or exile.

On January 5, independent journalists Esteban Rodríguez and Hector Valdés Cocho were taken to the airport and forced into exile. Rodríguez was in prison without a trial after a peaceful protest in Havana in April 2021, during which he sought an end to the house arrest of Luis Manuel Otero Alcántara. In January independent journalist Abraham Jiménez Enoa's regulado condition was lifted after five years on the condition that he depart Cuba and not return. In July after preventing his travel and participation in the Summit of the Americas, the government pressured pastor Alain Toledano and his family into exile, having allegedly told him he had 30 days to leave the country or "face the consequences."

The government also barred some citizens and persons of Cuban descent living abroad from entering the country, apparently on grounds that these visitors were critical of the government or had "abandoned" their jobs in the government's labor export programs, which included low-paid medical workers, athletes, artists, teachers, and sea merchants.

Citizenship: The government regularly rendered citizens de facto stateless persons when it withheld consular services from employees and their families as punishment for abandoning a foreign work mission. There were reports of Cubans

residing abroad who were refused a passport or other proof of identity or citizenship, including for direct return to Cuba. Children born abroad to Cuban citizens in these circumstances were unable to obtain recognition of their Cuban citizenship. Consular documents explicitly stated employees who were considered deserters for leaving their jobs, such as medical mission personnel, would be barred from reentering the country and reuniting with their family for eight years. Any citizen residing outside the country for more than 24 months may lose full citizenship rights. The government suspended this rule in the wake of the pandemic.

e. Protection of Refugees

The government purportedly cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, and asylum seekers, as well as other persons of concern. Information regarding the extent of that cooperation was not publicly available. The United Nations reported there were an estimated 215 asylum seekers and refugees, some of whom had been in the country for years.

Access to Asylum: The constitution provides for the granting of asylum to individuals persecuted for their principles or actions involving several specified political grounds. The government has no formal mechanism, however, to process asylum for foreign nationals and is not a signatory to the 1951 Refugee Convention.

Temporary Protection: For the small number of cases of persons seeking asylum, the government worked with UNHCR to provide protection and assistance pending third-country resettlement.

Section 3. Freedom to Participate in the Political Process

The constitution enshrines one-party rule by the PCC. Political expression outside the Communist Party is not permitted. Elections are neither free nor fair. Citizens are not permitted to form political parties or run as candidates from political parties other than the PCC. Candidates for office must be nominated by a PCC “mass

organization” and approved by local party officials. These PCC-approved candidates win the vast majority of votes, since electors are limited to PCC representatives.

Elections and Political Participation

Recent Elections: The government selected candidates for the October 2019 election for president of the republic, president of the National Assembly, and membership in the Council of State. Only members of the National Assembly – all of whom were PCC members – were allowed to vote, and candidates ran for office uncontested. Miguel Díaz-Canel was declared the winner of the role for president and assumed the presidency, an office that was re-established following a constitutional referendum held in February 2019. In 2018, Díaz-Canel replaced Raul Castro as first secretary of the Cuban Communist Party, until then the highest political entity of the state by law.

For the first time since 1959, in 2020 citizens elected provincial governors, but as in previous national elections, government-run commissions nominated all candidates for office. No non-PCC candidates were allowed on the ballot. The government suppressed attempts to form other parties and forcefully and consistently retaliated against those who sought to do so. Numerous opposition candidates were physically prevented from presenting their candidacies or were otherwise intimidated from participating in the electoral process. The government routinely used propaganda campaigns in the state-owned media to criticize its opponents. Only one candidate (chosen in theory by the president, but in reality by the PCC) stood for each post, and the only persons allowed to vote were loyal party members chosen as delegates of the municipal assemblies in each province. The chosen candidates were not known to the public before the election, and each received 93 percent or more of the ballots cast, with most receiving 99 percent of the votes.

Political Parties and Political Participation: The 2019 constitution includes many sections that restrict citizens’ ability to participate fully in political processes by deeming the PCC the state’s only legal political party and the “superior driving force of the society and the state.” The constitution codifies the use of citizen violence to suppress dissent: “Citizens have the right to combat through any

means, including armed combat when other means are not available, anyone who intends to overthrow the political, social, and economic order established by this constitution.”

Citizens who live abroad without a registered place of abode in Cuba may not vote.

PCC membership may be a requirement for high-ranking political positions and an advantage for high-ranking management positions in state-owned companies. Nonmembership in the PCC could serve as a comparative disadvantage for individuals seeking such positions.

Participation of Women and Members of Minority Groups: No law limits participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption; however, there were numerous reports of government corruption, supported by a poorly regulated and opaque banking sector. The government was highly sensitive to corruption allegations and often conducted anticorruption crackdowns.

Corruption: There were numerous reports of police and other official corruption in enforcement of economic restrictions and provision of government services. For example, employees frequently stole products from government stocks and sold them on the black market. Corruption by customs officers was also reportedly common. The government and state-controlled businesses engaged in international money laundering to evade sanctions.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The government did not recognize domestic human rights groups or permit them to function legally. Several human rights organizations continued to function outside

the law, including UNPACU (Patriotic Union of Cuba), Damas de Blanco, Partido por la Democracia Pedro Luis Boitel, Movimiento Opositores por una Nueva República, the Christian Liberation Movement, the Assembly to Promote Civil Society, and the Lawton Foundation for Human Rights. The government subjected domestic human rights advocates to intimidation, harassment, periodic short-term detention, and long-term imprisonment on questionable charges.

The revised penal code includes an “illicit finance” provision that sanctions the financing of activities deemed to be “counterrevolutionary” or “subversive” and carries penalties of up to 10 years’ imprisonment. The law expands upon an existing law that previously applied only to U.S.-origin funds but was amended to apply to all funds, thereby allowing for the prosecution of any support received by NGOs or activists.

No officially recognized NGOs monitored human rights. The government refused to recognize or meet with NGOs that monitored or promoted human rights. There were reports that government agents harassed individuals who met with unauthorized NGOs.

Retribution against Human Rights Defenders (HRDs): Family members of human rights defenders, including their minor children, reportedly suffered reprisals related to the activities of their relatives. These reprisals included reduction of salary, termination of employment, denial of acceptance into university, expulsion from university, and other forms of harassment.

The United Nations or Other International Bodies: The government continued to deny international human rights organizations, including the United Nations, its affiliated organizations, and the International Committee of the Red Cross, access to prisoners and detainees, despite being a member of the UN Human Rights Council. The government continued to deny or ignore long-standing requests from the UN special rapporteurs on torture, freedom of expression, freedom of religion, and freedom of assembly to enter the country to monitor human rights.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The revised penal code criminalizes rape of women and men, including spousal rape, and separately criminalizes other sexual abuses against both genders. The penalty for rape stipulates at least four years' imprisonment. The new law does not recognize the crime of femicide, nor is there a specific law for domestic violence. It recognizes the crime of gender-based violence and stipulates penalties from fines to prison sentences of varying lengths, depending on the severity of the offense. The government generally enforced the law effectively regarding rape. No information was available on whether the government enforced gender-based violence laws effectively.

Several reports from women's rights advocacy groups suggested that crimes against women were underreported and that the state failed to investigate many cases. There were no official numbers for femicides. Cases included the August 18 killing of a girl and her mother, Yodeisi Fabelo Carballo, in their home in Vertientes, Camaguey. Official media sources failed to report any of these killings or to report on femicide statistics.

Red Femenina de Cuba activists called on the state to update information on crimes against women and train officials to handle these crimes. The government opposed any non-state-sponsored programs that focused on gender violence. Police also targeted for harassment small groups of women assembling to discuss women's rights and gender matters more broadly.

Sexual Harassment: The law provides penalties for sexual harassment, with potential prison sentences of six months to five years. The government did not release any statistics on arrests, prosecutions, or convictions for offenses related to sexual harassment during the year.

Reproductive Rights: There were continued reports that doctors performed abortions without permission or pressured mothers into having an abortion when ultrasound scans revealed fetal abnormalities. According to a 2018 article in the journal *Health Policy and Planning* and other sources, to meet centrally fixed

targets health authorities used abortions to improve infant mortality statistics artificially by preventing marginally riskier births.

Many women, especially poor and young mothers, were required to spend their pregnancies in a state-run maternity home and could be involuntarily committed if they were deemed noncompliant with a physician's advice. These establishments provided steady nutrition and access to medical care; however, they could deprive expecting mothers of the support of their partners, families, and communities.

The government was the sole legal importer of all goods, which resulted in constant acute shortages of contraceptive products, particularly condoms. Nearly all births were attended by a skilled health worker, who by law must be employed by the state. It is illegal for private citizens, no matter their qualifications, to provide health attendance during pregnancy and childbirth.

The government provides access to sexual, psychosocial, and reproductive health services for survivors of sexual violence; however, the health care provided by the state was insufficient to meet survivors' needs.

Discrimination: The law accords women and men equal rights, the same legal status, and the same responsibilities regarding marriage, divorce, parental duties, home maintenance, and employment. No information was available on whether the government enforced the law effectively.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits discrimination based on race. No information was available on whether the government enforced the law effectively.

Afro-Cubans often suffered racial discrimination. Afro-Cubans reported employment discrimination, particularly for positions of prominence within the tourism industry, media, and government. Employment advertisements were allowed to be openly sexist and racist. Police violence intensified during the year, disproportionately targeting Afro-Cubans during enforcement of laws against informal commercial activity and during peaceful protests.

The economic crisis disproportionately affected Afro-Cubans, as seen in the scarce

distribution of food and continuous water shortages affecting Havana's Afro-Cuban neighborhoods. Afro-Cubans who migrated to Havana seeking economic opportunity were also disproportionately affected by restrictions on movement that resulted in deportations to rural parts of the country. Although the regime's defenders pointed to a few high-ranking officials, Afro-Cubans remained severely underrepresented in ministerial positions and the Politburo, and they were completely absent from the highest ranks of the Revolutionary Armed Forces and Ministry of Interior, seen as the country's true power centers.

Children

Birth Registration: Citizenship is normally derived by birth within the country's territory, and births were generally registered promptly without discrimination (see section 2.d., Citizenship, for information regarding citizens born abroad).

Child Abuse: The constitution and family code regulate the rights of minors and the responsibilities of their legal guardians, while the penal code establishes sanctions for not complying with these responsibilities or for violating the rights of minors. The new family code entered into force in August, and the new penal code entered into force in December. The law imposes six months to five years of imprisonment for child abuse, depending on the severity and if the victim suffered substantial injury from the abuse or neglect. The government generally enforced the law effectively.

Child, Early, and Forced Marriage: The family code sets 18 as the legal minimum age for marriage. Forced marriage is punishable by seven to 15 years' imprisonment, and by 10 to 30 years' imprisonment or life imprisonment when the victim is a minor.

Sexual Exploitation of Children: The law imposes 10 to 30 years' imprisonment or life imprisonment for sex trafficking, forced marriage, and illegal adoption involving children younger than 18. When the government discovered the involvement of individuals or nongovernmental groups in crimes involving the commercial sexual exploitation of children, it enforced the law.

There is a statutory rape law, with imprisonment of one to three years, a fine, or both. Penalties for rape increase as the age of the victim decreases. In such cases,

the law leaves room for consideration of possible consent if the person presenting the accusation decides not to press charges. The law does not establish an age of consent, but sexual relations with children from 12 to 18 may be prosecuted if there is a determination of statutory rape. Prostitution is not criminalized for individuals ages 18 and older. The government generally enforced the law effectively.

The law criminalizes the possession of child pornography and punishes the production or circulation of any kind of obscene graphic material with imprisonment of one to three years, a fine, or both. The law imposes seven to 15 years' imprisonment for "international trafficking relating to corrupting or pornographic conduct and the practice of prostitution" involving children younger than 16. The punishment may increase to 15 to 30 years or life in prison under aggravating circumstances.

Antisemitism

There were between 1,000 and 1,500 members of the Jewish community. There were no known reports of antisemitic acts during the year.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Same-sex sexual activity is not criminalized.

Violence against LGBTQI+ Persons: There were no reports of violence, but observers noted reporting may have been limited due to mistrust of police by the LGBTQI+ community, and by the government's lack of mechanisms for data collection on crimes targeting LGBTQI+ persons and repression of domestic human rights organizations.

Discrimination: The law prohibits discrimination based on sexual orientation in employment, housing, citizenship, education, and health care but does not extend the same protections to transgender or intersex individuals based on gender identity and expression, or sex characteristics. The government generally did not enforce the law effectively. NGOs reported LGBTQI+ persons continued to face social stigma and discrimination in education, health care, and employment, with employment opportunities for transgender persons generally limited to low-paid and sometimes dangerous occupations.

Availability of Legal Gender Recognition: The law allows legal gender recognition without requiring surgery; however, there is no legal pathway for nonbinary persons to have their gender identity recognized by the government.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of such practices, but reporting may have been limited due to social stigma and fear of reprisal as well as government suppression of domestic human rights groups, limiting their ability to collect and report such information.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: The government does not recognize domestic human rights groups or permit them to function legally. Several unrecognized NGOs that promoted LGBTQI+ human rights faced government harassment for their independence from official government institutions.

In August, Brenda Díaz, a transgender woman, was convicted of “public disorder and sabotage” and sentenced to 14 years in prison for participating in an antigovernment protest in August. Authorities reportedly placed Díaz in a prison facility that did not align with her gender identity, prompting calls for justice from local LGBTQI+ activists.

Persons with Disabilities

The law recommends that public buildings, communication facilities, health services, and transportation services accommodate persons with disabilities, but these facilities and services were rarely accessible to such persons. The government generally did not enforce the law effectively.

Some persons with disabilities who opposed the government were denied membership in official organizations for persons with disabilities, such as the National Association for the Blind. As a result, they were denied benefits and services, such as 400 minutes of telephone usage, training in the use of a white cane and in braille, and reduced fares on public transportation.

Other Societal Violence or Discrimination

The government operated four prisons exclusively for inmates with HIV or AIDS; some inmates were serving sentences for “propagating an epidemic” in relation to their HIV status. Hospitals and clinics sometimes discriminated against patients with HIV.

Medication for patients with HIV was routinely unavailable, sometimes resulting in the patients’ deaths from neglect. Some advocates reported scarcity of medicines as the government dedicated funds to develop domestic vaccines for COVID-19.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutes, severely restricts worker rights by recognizing only the PCC-controlled Central Union of Cuban Workers (CTC) as the paramount trade union confederation. To operate legally, a trade union must belong to the CTC.

The law does not provide for the right to strike. The law does not provide for collective bargaining; instead, it has a complicated process for reaching collective agreements. The International Labor Organization (ILO) raised concerns regarding the trade union monopoly of the CTC, the prohibition on the right to strike, and restrictions on collective bargaining and agreements, including the way the law gives government authorities and higher-level CTC officials the final decision on all such agreements.

The Ministry of Labor has responsibility for enforcing all labor laws in the country, including at all foreign-owned or -invested businesses or organizations,

international organizations, and foreign government agencies. The government effectively enforced its laws to maintain the primacy of the CTC and prevent the emergence of independent labor organizations rather than to provide for freedom of association or the right to strike. Workers who tried to organize or create independent unions were subject to penalties.

Workers employed by these entities are subject to labor regulations common to most state and nonstate workers and are also subject to some regulations applicable to specific kinds of entities.

The government prevented the formation of independent trade unions in all sectors. The PCC chose the CTC's leaders. The CTC's principal responsibility is to manage government relations with the workforce. The CTC does not bargain collectively, promote worker rights, or advocate for the right to strike. The de facto prohibition on independent trade unions virtually eliminated workers' ability to organize independently, appeal against discriminatory dismissals, or seek redress for other workplace grievances. The government's strong influence over the judiciary and lawyers limited effective recourse through the courts. The government did not effectively enforce applicable law, and penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination.

Several small, independent labor organizations operated without legal recognition, including the National Independent Workers' Confederation of Cuba, National Independent Laborer Confederation of Cuba, and Unitarian Council of Workers of Cuba. Together they constituted the Independent Trade Union Association of Cuba. These organizations worked to advance the rights of workers by offering an alternative to the state-sponsored CTC and advocating for the rights of small business owners and employees. Police reportedly harassed the independent unions, and government agents reportedly infiltrated them, limiting their capacity to represent workers effectively or work on their behalf.

b. Prohibition of Forced or Compulsory Labor

The revised penal code imposes one to three years' imprisonment for forced labor, which the law defines as forcing others to work or perform a service against their

will or under the threat of punishing the victim or a relative if they refuse. It prohibits unlawful imprisonment, coercion, and extortion, with penalties ranging from fines to imprisonment. The government did not effectively enforce the law against forced labor. There was no evidence penalties were applied to prosecute cases of forced labor.

Compulsory military service of young men was occasionally fulfilled by assignment to an economic entity, such as a farm or company owned by the military or by assignment to other government services.

Foreign entities both inside the country and abroad contracted with government-run entities to employ citizens to provide labor, often highly skilled labor such as doctors, engineers, or merchant mariners. Medical workers formed the largest sector of the government's labor exports, but the forced labor situation was almost identical for merchant marines, musicians, athletes, architects, teachers, and others. For the fourth consecutive year, the NGO Cuban Prisoners Defenders collected testimony from former workers who participated in overseas missions that documented the country's coercive and abusive labor practices. They collected 1,100 testimonies, contracts, and official consular documents. Workers said they were forced to join the program and were prevented from leaving it, despite being overworked and not earning enough to support their families. Former participants described human trafficking indicators, including coercion, nonpayment of wages, withholding of passports, and restriction on movement. They provided documents showing that a worker who left the job was declared a deserter and would be barred from reentry into the country for eight years. Furthermore, included in the contract was a fine for the employer if a worker deserted the job, which led some employers to withhold workers' passports and deny them freedom of movement.

Interviews with nearly 900 former workers showed that more than 30 percent did not receive any type of contract for their work and that an additional 35 percent signed a contract but did not receive a copy for themselves. Almost 90 percent of the contracts neglected to include any danger pay, overtime clauses, or casualty insurance. Prior to their departure from Cuba, three-fourths of the interviewees were forced to attend a course on reinforcing the ideological principles of the PCC. The government refused to improve the transparency of its labor export program, including the medical missions, or address concerns regarding forced labor, despite

persistent allegations from former participants, civil society organizations, and foreign governments.

Prisoners were subject to forced labor, often in strenuous farm work without sufficient food or water, or working in hazardous environments without protective equipment, such as working in production of industrial chemicals. Prisoners were not free to refuse to work and were punished if they did so. Prisoners were forced to make goods for the Ministry of the Interior's company (PROVARI, or Empresa de Producciones Varias), which were exported or sold in state stores and in the tourism sector.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor. The legal minimum working age is 17, although the law permits the employment of children ages 15 and 16 to obtain training or fill labor shortages with parental permission and a special authorization from the municipal labor director. The law does not permit children ages 15 and 16 to work more than seven hours per day, 40 hours per week, or on holidays. Children 15 to 18 may not work in specified hazardous occupations, such as mining, or at night.

There were no known government programs to prevent child labor or to remove children from such labor. Antitruancy programs, however, aimed to keep children in school. Children were subject to commercial sexual exploitation, including sex trafficking, and the government did not report significant efforts to reduce child sex tourism (see section 6).

d. Discrimination with Respect to Employment and Occupation

The law prohibits workplace discrimination against persons based on skin color, gender, religious belief, sexual orientation, nationality, "or any other distinction harmful to human dignity," but it does not explicitly protect political opinion, social origin, disability, age, language, gender identity, or HIV-positive status or other communicable diseases. No information was available on government

enforcement of these provisions during the year.

The government continued to use politically motivated and discriminatory dismissals against those who criticized the government's economic or political policies. The government deemed persons "unfit" to work because of their political beliefs. A determination that a worker is "unfit" to work can result in job loss and the denial of job opportunities. The government did not effectively enforce applicable law, and penalties were not commensurate with similar laws. Information related to the application of penalties was not publicly available. Persons forced out of employment in the public sector for freely expressing themselves were often further harassed after entering the emerging but highly regulated self-employment sector.

Discrimination in employment occurred against members of the Afro-Cuban and LGBTQI+ populations, especially in the state-owned but privately operated tourism sector. Leaders within the Afro-Cuban community noted some Afro-Cubans could not get jobs in better-paying sectors such as tourism and hospitality because they were "too dark." Afro-Cubans experienced low job security and were underrepresented in the business and self-employed sector, frequently obtaining lower-paying jobs, including cleaning and garbage disposal, which had no interaction with tourists, a major source of hard currency.

e. Acceptable Conditions of Work

Wage and Hour Laws: Authorities set a national minimum wage at a rate below the poverty line.

The standard workweek is 44 hours, with shorter workweeks in hazardous occupations such as mining. The law provides workers with a weekly minimum 24-hour rest period and one month of paid annual vacation per 11 months of effective work. These standards apply to state workers as well as to workers in the nonstate sector, but they were seldom enforced in the nonstate sector.

The law does not prohibit obligatory overtime, but it generally caps the number of overtime hours at 16 hours per week and 160 per year. The law provides few grounds for a worker to refuse to work overtime below these caps. Compensation for overtime is paid in cash at the regular hourly rate or in additional rest time.

Occupational Safety and Health: The government set workplace occupational safety and health (OSH) standards and received technical assistance from the ILO to implement them. The Ministry of Labor and Social Security was responsible for enforcing the minimum wage and workhour standards through offices at the national, provincial, and municipal levels.

According to government statistics, private-sector workers made up 16 percent of the 3.7 million jobs in the country, and unemployment was slightly less than 4 percent. The CTC provided only limited information to workers regarding their rights and at times did not respond to or assist workers who complained of hazardous workplace conditions. It was generally understood that workers could not remove themselves from dangerous situations without jeopardizing their employment, and authorities did not effectively protect workers facing this dilemma.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce OSH laws, and penalties were not commensurate with those for other similar laws. Information regarding penalties for violations of wage, hour, and OSH law, the number of labor inspectors on duty, or the number of inspections carried out was not publicly available. Reports from recent years suggested there were very few inspectors and OSH standards frequently were ignored. Civil society organizations reported working conditions for doctors in hospitals were unsanitary and doctors worked long hours without sufficient access to food.

The Ministry of Finance and Prices sets the salaries for state employees. Foreign companies operated in a limited number of sectors, such as hotels, tourism, and mining. Such companies operated via joint ventures in which the government contracted and paid company workers in pesos for a salary that was a small fraction of what the foreign company remitted in hard currency to the government for labor costs. Employers, including international businesses and organizations, were generally prohibited from contracting or paying workers directly, although many reportedly made informal supplemental payments in the form of gratuities. In some cases where workers were paid directly by their foreign employers, they were required to give a significant portion of their wages to the state.

Informal Sector: Despite criminal penalties for doing so, a significant number of

workers participated in the informal economy, including individuals who traded on the black market or performed professional activities not officially permitted by the government. There was no publicly available information regarding the size of the informal sector.

Self-employed persons, such as fruit sellers, bicycle taxi drivers, and others, were frequently targeted by police for allegedly acting illegally, even when licensed. Police sometimes arbitrarily and violently closed these businesses and confiscated any goods.